

Case Management Protocol for Judge Taryn L. Heath

Initial Pre-Trial Conferences

- (1) Telephonic Status Conferences may be scheduled before Magistrate Stephan Babik. Plaintiff's counsel is directed to initiate the call, contacting Magistrate Babik at 330.451.7716.
- (2) If your case is set for a Non-Jury trial, your trial will be assigned to Magistrate Stephan Babik unless the Court orders otherwise.
- (3) In the event you are not initially scheduled for court mediation and you would like to be, please contact Jennifer Schneider at 330.451.7703 with available dates.
- (4) All parties to this action are required to be present for final pre-trial hearings, which will include a hearing on all pending motions filed. The Court will not conduct final pre-trial hearings by telephone with counsel and/or their clients. Failure of Plaintiff to appear at the above final pre-trial date shall result in a dismissal with prejudice.
- (5) If the parties reach a settlement in the case counsel are directed to notify Melanie at 330.451.7708 or mpjohn@starkcountyohio.gov as soon as a settlement has been reached but no later than the day before scheduled final pre-trial and/or trial dates.

Motions

- (6) The Court specifically orders all parties to comply with the time limits for serving answers and replies set forth in Ohio Civil Rule 12(A).
- (7) All motions must be made in writing. The Court will not consider oral motions.
- (8) Responses to motions are due within the time set forth in Ohio Civil Rule 6, unless otherwise ordered by the Court.
- (9) No brief in support of a motion or responsive brief, excluding appendices and table of cases, shall exceed twenty (20) pages, unless, upon motion requesting an increase of a specific number of pages and the showing of good cause, this Court orders otherwise. No reply brief shall exceed twelve (12) pages. All motions and briefs shall be double-spaced. Any motion or brief which does not comply with the aforementioned directions may be stricken by the Court.

(10) Motions to add parties shall not be made more than sixty days after the filing of the complaint unless written leave of Court is first obtained.

(11) If a party intends to rely upon deposition testimony in support of, or in opposition to, a motion for summary judgment, that party must file the entire original deposition with the Court. The Court strongly recommends that any reference in briefs to deposition testimony include a full quotation of the testimony relied upon with regard to any matter of importance.

(12) A party seeking an extension of time within which to file a responsive pleading or brief, or within which to complete discovery, must file a written motion, which may include a stipulation by the parties. Such motions must be supported by a brief, which demonstrates with particularity the good cause that justifies the granting of an extension.

Trial

(13) All trial dates are scheduled on a stand-by basis. Pursuant to Ohio Civil Rule 41(B)(1) the Court is hereby providing notice to all parties herein that failure to appear at the scheduled trial date shall result in a dismissal with prejudice.

(14) Counsel shall confer at least ten (10) days prior to the scheduled FINAL PRE-TRIAL HEARING to determine whether they can enter into stipulations relative to the facts or issues.

(15) Written stipulations, if any, shall be submitted to the Court no later than the date of the final pre-trial hearing.

(16) A list of proposed witnesses, together with a description of their expected testimony, shall be furnished to the Court no later than two (2) working days before the scheduled trial date.

(17) One (1) copy of all exhibits proposed to be introduced at trial, along with an index of the exhibits containing a brief description of each exhibit, shall be furnished to the Court no later than two (2) working days before the scheduled trial date.

(18) Counsel shall exchange copies of all exhibits and exhibit indices no later than two (2) working days before the scheduled trial date.

(19) All exhibits shall be marked before trial with official exhibit stickers. The plaintiff shall mark

exhibits with numbers and the defendant shall mark exhibits with letters. If there are multiple parties, numbers or letters shall be used followed by the parties' last name, i.e., "1-Miller" or "A-Jones". If the defendant has more than twenty-six (26) exhibits, double letters shall be used, i.e. AA, BB, CC, etc.

(20) In all jury cases, any proposed jury instructions, interrogatories, and verdict forms shall be submitted to the Court at least one (1) week before the scheduled trial via e-mail to Magistrate Stephan Babik at spbabik@starkcountyohio.gov in Microsoft Word format. Proposed jury instructions filed outside the foregoing time limit will not be accepted by this Court absent a showing that unexpected testimony and/or issues necessitated a later filing. Counsel are required to exchange copies of the proposed jury instructions. All proposed instructions shall include a supporting OJI or case citation.

(21) In all jury cases, counsel shall confer and agree upon a short statement of the case to be read by the court to the jury during jury selection. Said agreed upon statement shall be submitted to the Court at least two (2) working days before the scheduled trial.

(22) Any deposition to be ruled on by the Court shall be submitted to the Court one (1) week prior to the scheduled trial date and shall include reference to objections and the reason therefore. Each objection shall be flagged for easy location by the Court.

(23) Counsel are encouraged to file trial briefs at least one (1) week before the scheduled trial date. Trial briefs should include: (a) a statement of facts; (b) a discussion of the controlling law; (c) a list of proposed witnesses along with a brief description of the subject matter of the testimony of each witness; (d) an index of all proposed exhibits containing a brief description of each exhibit; and (e) a discussion of any evidentiary issues likely to arise at trial.

(24) All experts are to be identified by notice filed with the Court along with the expert's report, if required.

Jury Instructions

You will be provided with a draft of the jury instructions on or about the first day of trial. Counsel is to review the draft jury instructions and advise Magistrate Babik 330.451.7716 (spbabik@starkcountyohio.gov) of any

objections to the proposed instructions. The Judge and/or Magistrate will meet with all counsel to review final instructions.

Voir Dire

You will be permitted to voir dire the entire venire. The Court will conduct a limited voir dire, including: trial schedule, prior jury service, and burden of proof. The Court will read an agreed upon statement regarding the nature of the case prior to attorneys' examination of prospective jurors. The agreed upon statement must be provided to the Court two (2) days before trial. Challenges will be communicated to the Judge at sidebar instead of from counsel table.

Preliminary Instructions

Preliminary instructions to the jury will include: an overview of evidence, burden of proof, and credibility of witnesses.

Technology

Attorneys are encouraged to utilize the available technology and contact Haley McKrill at 330.451.7712 or hmmckrill@starkcountyohio.gov for court time to familiarize themselves with the courtroom technology. **Please note the technology in Courtroom 203 was updated in November 2020 so you may wish to re-familiarize yourself with the new equipment.*

Juror Questions (Optional)

Jurors may be permitted to submit proposed questions for witnesses. Counsel will have the opportunity to review and raise objections. The Court will pose the approved question to the witness and counsel will have the opportunity to ask follow up questions.

Opening and Closing Arguments

There are no time limitations, but please use common sense and reason.

Final Instructions

The Court will instruct the jury with respect to the law of the case prior to closing arguments.

The Court will instruct the jury with respect to deliberations after final arguments.

Professionalism

The Court expects all counsel to treat each other and all court staff with respect.

No food or beverage (other than water) permitted in courtroom without a lid.

All cell phones must be turned off during proceedings.